

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

-against- : 19 Cr. 741 (WHP)

Bryan Cohen, :

Defendant. :

ORDER

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WILLIAM H. PAULEY III, United States Senior District Judge:

By letter dated October 8, 2020, defense counsel notified this Court that the defendant Bryan Cohen was directed by a letter from United States Citizenship and Immigration Services (“USCIS”) dated September 21, 2020, to voluntarily remove himself from the United States no later than October 24, 2020. (ECF No. 56.) As an initial matter, defense counsel is directed to explain their delay in notifying this Court and provide a copy of the USCIS letter forthwith.

The defendant pled guilty to conspiracy to commit securities fraud. The harm he caused to the financial markets occurred in the United States. And he should serve out his punishment in the United States. This Court sentenced him principally to 12 months of home detention in lieu of incarceration because of the COVID-19 pandemic. A key part of that sentence is 1,500 hours of community service which has the important collateral benefit of ensuring that the defendant has a significant time out. This sentence was tailored to deter Mr. Cohen and provide a benefit to the community.

Permitting the defendant to leave the United States before completing his community service and home detention would vitiate the very purpose of the sentence. At sentencing, this Court expressly rejected the defendant’s request to serve his home confinement and perform community service in France.

Certainly, the Attorney General of the United States has the authority to keep the defendant in the United States until he completes his community service and home detention. The United States Attorney's Office and USCIS—as constituent parts of the Executive Branch of the Government—should have an abiding interest in ensuring that judgments of this Court are obeyed. Accordingly, the United States Attorney's Office is directed to meet and confer with USCIS and provide a report to the Court by October 15, 2020.

Dated: October 9, 2020
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.